

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-2954

DIANOIA'S EATERY, LLC, doing business as DIANOIA'S and PIZZERIA DAVIDE

v.

MOTORISTS MUTUAL INSURANCE COMPANY,
Appellant

On Appeal from the United States District Court
for the Western District of Pennsylvania
No. 2:20-cv-00787
District Judge: Hon. Nora B. Fischer

Argued April 28, 2021

Before: SMITH, *Chief Judge*, PHIPPS and ROTH, *Circuit Judges*

JUDGMENT

This cause came to be considered on the record from the United States District Court for the Western District of Pennsylvania and was argued on April 28, 2021.

On consideration whereof, it is now hereby ADJUDGED and ORDERED that the order of the District Court entered August 27, 2020, be and the same is hereby VACATED. The matter is REMANDED to the District Court for further

proceedings. The order of the District Court entered September 24, 2020 is hereby VACATED AS MOOT. All of the above in accordance with the opinion of this Court. Costs shall be taxed against appellee.

Attest:

s/ Patricia S. Dodszuweit

DATED: August 18, 2021

Clerk